

EXHIBIT 5

FILED

JUL X 3 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION**

**No. M 07-1827 SI
MDL No. 1827**

SPECIAL VERDICT

This Order Relates To:

Direct-Purchaser Plaintiff Class Actions

We the jury unanimously find as follows on the questions submitted to us:

Question 1: Did plaintiffs prove, by a preponderance of the evidence and in accordance with the instructions given to you, that Toshiba knowingly participated in a conspiracy to fix, raise, maintain or stabilize the prices of TFT-LCD panels?

Yes

No

If your answer to this question is "Yes," please answer the next question. If your answer to this question is "No," please go to the end of the verdict form, and sign and date it where indicated.

1 **Question 2:** Did plaintiffs prove, by a preponderance of the evidence and in accordance with the
2 instructions given to you, that the conspiracy involved TFT-LCD panels and/or finished products
3 (notebook computers, computer monitors and televisions containing TFT-LCD panels) imported into
4 the United States?

5
6 Yes ☒

No ☐

7 If your answer to this question is "Yes," please answer the next question. If your answer to this question
8 is "No," please go to Question 4.

9
10 **Question 3:** Did plaintiffs prove, by a preponderance of the evidence and in accordance with the
11 instructions given to you, that the conspiracy involving imported TFT-LCD panels and/or finished
12 products (notebook computers, computer monitors and televisions containing TFT-LCD panels)
13 produced substantial intended effects in the United States?

14 Yes ☒

No ☐

15 Please answer the next question.

16
17
18 **Question 4:** Did plaintiffs prove, by a preponderance of the evidence and in accordance with the
19 instructions given to you, that the conspiracy involved conduct which had a direct, substantial and
20 reasonably foreseeable effect on trade or commerce in the United States?

21 Yes ☒

No ☐

22 If your answer to either Question 3 or Question 4 is "Yes," please answer the next question. If your
23 answer to both Question 3 and Question 4 is "No," please go to the end of the verdict form, and sign and
24 date it where indicated.

1 **Question 5:** Did plaintiffs prove, by a preponderance of the evidence and in accordance with the
2 instructions given to you, that members of the Panel Class were injured as a result of the conspiracy in
3 which Toshiba knowingly participated?

4
5 Yes ☒ No

6
7 If your answer to this question "Yes," please answer the next question. If your answer to this question
8 is "No," please go to Question 7.

9 **Question 6:** What was the amount of damages the plaintiffs proved, by a preponderance of the evidence
10 and in accordance with the instructions given to you, that members of the Panel Class suffered as a result
11 of that injury?

12 \$ 17,000,000
13 (Please fill in a dollar amount total)

14 Please answer the next question.

15 **Question 7:** Did plaintiffs prove, by a preponderance of the evidence and in accordance with the
16 instructions given to you, that members of the Finished Product Class were injured as a result of the
17 conspiracy in which Toshiba knowingly participated?


18
19 Yes ☒ No

20
21 If your answer to this question "Yes," please answer the next question. If your answer to this question
22 is "No," please go to the end of the verdict form, and sign and date it where indicated.

23 **Question 8:** What was the amount of damages the plaintiffs proved, by a preponderance of the evidence
24 and in accordance with the instructions given to you, that members of the Finished Product Class
25 suffered as a result of that injury?

26 \$ 70,000,000
27 (Please fill in a dollar amount total)

1 Date: 3 July 2012


FOREPERSON

United States District Court
For the Northern District of California

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